

## Message Text

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ACTION EUR-25

INFO OCT-01 AF-10 IO-12 STR-08 ADP-00 AID-20 CEA-02

CIAE-00 COME-00 EB-11 EA-11 FRB-02 INR-10 NEA-10

NSAE-00 RSC-01 OPIC-12 TRSE-00 CIEP-02 LAB-06 SIL-01

OMB-01 SS-15 NSC-10 L-03 H-02 TAR-02 AGR-20 ARA-11

RSR-01 /209 W

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R 111720 Z APR 73

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 5031

INFO AMEMBASSY ADDIS

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION GENEVA

USMISSION OECD PARIS

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E. O. 11652 NA

TAGS: EAID, ETRD, EEC, US

SUB: US- EC CONSULTATIONS: FOLLOW- UP TALKS ON PREFERENCES

REFS: A. EC BRUSSELS 1602

B. EC BRUSSELS 1601

C. EC BRUSSELS A-145

D. EC BRUSSELS 1817

E. EC BRUSSELS 1818

F. EC BRUSSELS 1933

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G. EC BRUSSELS 1911

A. SUMMARY. AS AGREED AT THE RECENT US- EC CONSULTATIONS ( REFTELS A AND B) A US DELEGATION LED BY AMBASSADORS MALMGREN AND GREENWALD WITH RENNER ( STATE) AND WORTHINGTON ( TREASURY) MET WITH EC OFFICIALS HEADED BY HIJZEN AND WELLENSTEIN ON APRIL 9-10 IN FOLLOW- UP TALKS ON THE PREFERENCES ISSUE AND NTBS ( BEING REPORTED BY SEPTEL). THE TALKS PROVIDED AN OPPORTUNITY FOR THE US TO EXPLAIN IN SOME DETAIL ITS PROPOSED GENERALIZED PREFERENCES SCHEME INCLUDED IN THE TRADE BILL AND FOR THE COMMISSION TO DESCRIBE ITS RECENT MEMORANDUM COVERING FORTHCOMING NEGOTIATIONS WITH THE ASSOCIATED AND ASSOCIABLE STATES. THE FINAL VERSION OF THIS MEMORANDUM IS BEING FORWARDED TO THE DEPARTMENT. ( AN EARLIER FRENCH TEXT VERSION WAS FORWARDED BY REF C. KEY ELEMENTS OF THE MEMORANDUM BASED ON THE DRAFT TEXT WERE ALSO REPORTED IN REFTELS D, E AND F.) THE MAIN DISCUSSION, WAS CONCENTRATED ON A FURTHER EXPLORATION OF THE FIVE POINTS OUTLINED BY UNDER SECRETARY CASEY DURING THE RECENT US- EC CONSULTATIONS. BOTH SIDES WILL NOW STUDY THE POINTS BROUGHT OUT IN THE LATEST DISCUSSIONS. IN ADDITION, THE US MIGHT PRESENT ADDITIONAL QUESTIONS TO THE COMMISSION REGARDING DETAILS OF ITS AGREEMENTS WITH LDCS. END SUMMARY.

2. THE FOLLOW- UP TALKS HELD ON APRIL 9-10 WERE PRIMARILY DEVOTED TO A FURTHER EXPLORATION OF THE FIVE POINT BEGIN MODUS VIVENDI END UNDERLINE ON PREFERENCES SUGGESTED BY UNDER SECRETARY CASEY DURING THE MARCH US- EC CONSULTATIONS. THESE POINTS ARE:

(1) AN APPROPRIATE US COMMITMENT REGARDING A SYSTEM OF GENERALIZED PREFERENCES.

(2) AN ASSURANCE BY THE COMMUNITY THAT IT WILL NOT REQUIRE OR SEEK REVERSE PREFERENCES AS PART OF ITS TRADE ARRANGEMENTS WITH SPECIFIED LESS DEVELOPED COUNTRIES-- AND THAT IT WILL MAKE CLEAR TO THE COUNTRIES IN QUESTION THAT THE ABSENCE OF SUCH PREFERENCES WILL NOT REDUCE TRADE AND AID BENEFITS GRANTED TO THEM.

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(3) AN UNDERSTANDING THAT THE COMMUNITY WILL NOT

CONCLUDE NEW PREFERENTIAL ARRANGEMENTS WITH LESS  
DEVELOPED COUNTRIES BEYOND THOSE IN THE SPECIFIED LIST.

(4) AN UNDERSTANDING THAT THE US WILL NOT CHALLENGE  
IN GATT THE AGREEMENTS IN QUESTION ON THE GROUNDS THAT  
THEY ARE INCONSISTENT WITH ARTICLE XXIV. WE WOULD,  
OF COURSE, RESERVE OUR LEGAL RIGHTS IN OTHER RESPECTS.

(5) AN UNDERSTANDING THAT, WHERE THE REMAINING  
SPECIAL PREFERENCES CAUSE DIFFICULTIES FOR US TRADE  
INTERESTS, THE COMMUNITY WOULD BE PREPARED TO SEEK  
SOLUTIONS WITH THE US.

3. THE US DELEGATION ALSO DESCRIBED IN SOME DETAIL THE  
US GENERALIZED PREFERENCES SCHEME BEING SUBMITTED TO  
THE CONGRESS AS PART OF THE TRADE BILL. THE US REPS  
REVIEWED THE COMPETITIVE NEED CONCEPT INCLUDED IN THE  
US SCHEME AND UNDERScoreD THE WIDE AUTHORITY BEING  
SOUGHT FOR THE PRESIDENT UNDER THIS LEGISLATION WITH  
REGARD BOTH TO PRODUCT COVERAGE AND BENEFICIARY STATUS.  
AMBASSADOR MALMGREN MADE CLEAR, HOWEVER, THAT THE PRESI-  
DENT WOULD BE REQUIRED TO EXCLUDE FROM THE US SCHEME  
AND COUNTRY WHICH GIVES PREFERENTIAL TREATMENT TO  
OTHER DEVELOPED COUNTRIES UNLESS ASSURANCES ARE  
RECEIVED THAT SUCH TREATMENT WILL END BY JANUARY 1,  
1976.

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OMB-01 SS-15 NSC-10 L-03 H-02 TAR-02 AGR-20 ARA-11

RSR-01 /209 W

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R 111720 Z APR 73

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 5032

INFO AMEMBASSY ADDIS ABABA  
AMEMBASSY BONN  
AMEMBASSY BRUSSELS UNN  
AMEMBASSY COPENHAGEN  
AMEMBASSY DUBLIN  
AMEMBASSY THE HAGUE  
AMEMBASSY LONDON  
AMEMBASSY LUXEMBOURG  
AMEMBASSY PARIS  
AMEMBASSY ROME  
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4. THE COMMISSION DESCRIBED IN SOME DETAIL ITS MEMORANDUM ON THE FORTHCOMING NEGOTIATIONS WITH THE ASSOCIATED AND COMMONWEALTH ASSOCIABLE COUNTIES. THEY SAID THAT THE MEMORANDUM REPRESENTED A STARTING POINT FOR NEGOTIATIONS. THERE ARE NO A PRIORI LIMITATIONS ON NEGOTIATIONS AND THE COMMISSION WANTS TO EXTEND THE DISCUSSIONS WITH THE LDC' S BEYOND THE THREE SUGGESTED FORMS OF RELATIONSHIP WHICH RESULTED FROM THE ENLARGEMENT NEGOTIATIONS ( PROTOCOL 22). THE COMMISSION STRESSED THE IMPORTANCE WHICH IT PLACES ON LIMITED OFFICIAL USE

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THE PROPOSED COMMODITY AGREEMENT SCHEME INCLUDED IN THE MEMORANDUM. THIS IS SEEN AS A MEANS TO STABILIZE RECEIPTS FOR THE ASSOCIATED LDC' S RATHER THAN THE PRICE OF THE COMMODITIES WHICH MIGHT BE COVERED. 5#3. THE COMMUNITY WOULD PROVIDE CREDITS TO THE ASSOCIATED LDC' S INVOLVED WHEN EXPORT RECEIPTS DROPPED BELOW A REFERENCE LEVEL. ORDINARILY, THESE CRDITS WOULD BE REPAID WHEN RECEIPTS ONCE AGAIN ROSE ABOVE THAT REFERENCE LEVEL. ( THEY INDICATED THAT THE SYSTEM COULD CONCEIVABLY BE OPENED TO NON- ASSOCIATED LDC' S WHICH RELY ON THE SAME PRODUCTS FOR ECONOMIC STABILITY.) ACCORDING TO THE COMMISSION THE SYSTEM WOULD BE FINANCED OUT OF THE COMMUNITY' S OWN RESOURCES. IN RESPONSE TO A QUESTION FROM THE US DELEGATION, THE COMMISSION DELEGATION STATED THAT NO NEW TAX OR OTHER MECHANISM WOULD BE INSTITUTED TO PAY FOR THE COMMUNITY ARRANGEMENTS. THE GOAL IS A SELF- SUFFICIENT REVOLVING FUND BUT IT IS DIFFICULT TO PREDICT IN ADVANCE THE COST OF SUCH AN OPERATION.

5. THE US SIDE RAISED QUESTIONS REGARDING THE COMMUNITY' S CRITERIA FOR ESTABLISHING ITS SO- CALLED FREE TRADE

AREAS WITH ASSOCIATED LDC' S. THE US DELEGATION ALSO SOUGHT CLARIFICATION, BASED ON STATEMENTS IN COMMISSIONER SOAMES' SPEECH OF APRIL 5, ( REF G), OF THE GEOGRAPHIC LIMITATION OF THE EC PREFERENTIAL SYSTEM, THE COMMUNITY' S STATEMENT THAT IT IS NOT SEEKING PREFERENTIAL TREATMENT FROM THE LDC' S, AND THE POSSIBLE SUBSTITUTION OF FISCAL DUTIES FOR OTHER DUTIES AS A SOURCE OF LDC PUBLIC REVENUE.

6. WITH REGARD TO THE QUESTION OF GEOGRAPHIC LIMITATION, HIJZEN STATED THAT THE COMMUNITY WOULD NOT SEEK PREFERENTIAL ARRANGEMENTS BEYOND THENON- EUROPEAN COUNTIES OF THE MEDITERRANEAN, TE BLACK AFRICAN COUNTIES AND THE COMMONWEALTH ASSOCIABLE COUNTRIES IN THE CARIBBEAN AND THE PACIFIC. WITH REGARD TO EC PREFERENTIAL TREATMENT IN LDC MARKETS, THE COMMISSION DELEGATION SAID THAT THE COMMUNITY HAD PROPOSED THE MAINENANCE OF A FREE TRADE SYSTEM BUT THAT THIS NEED NOT NECESSARILY MEAN PREFERENTIAL TREATMENT FOR THE COMMUNITY SINCE THE LDC' S INVOLVED WOULD BE FREE TO EXTEND TO THIRD COUNTRIES, INCLUDING THE US, THE SAME TREATMENT GRANTED TO THE COMMUNITY. MOREOVER, THE LIMITED OFFICIAL USE

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COMMUNITY WOULD MAKE CLEAR TO THESE COUNTRIES THAT THERE IS NO RELATIONSHIP BETWEEN TRADE AND AID CONCESSIONS OFFERED BY THE COMMUNITY AND THE TREATMENT WHICH THE LDC' S INVOLVED MIGHT GRANT TO THRID COUNTRIES. IN THIS REGARD THE US DELEGATION STRESSED THE IMPORTANCE OF INDIVIDUAL MEMBER STATES ALSO MAKING CLEAR TO THE LDC' S THAT THEIR BILATERAL AID PROGRAMS WOULD NOT BE AFFECTED BY THE TREATMENT WHICH THE LDC' S GAVE TO THIRD COUNTRIES.

7. THE US DELEGATION RECALLED THAT COMMISSIONER SOAMES, IN A RECENT SPEECH ( REF G) , HAD STATED THAT QUOTE NOTHING WOULD PREVE  
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FM USMISSION EC BRUSSELS  
TO SECSTATE WASHDC 5033  
INFO AMEMBASSY ADDIS ABABA  
AMEMBASSY BONN  
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9. IN RESPONSE THE COMMISSION STATED THAT, WHILE THE  
US PRELIMINARY LIST WAS NOT LONG, IT COVERED A  
SUBSTANTIAL AMOUNT OF TRADE BETWEEN THE DEVELOPING  
COUNTRIES INVOLVED AND THE COMMUNITY.  
AS ON PREVIOUS OCCASIONS, THE COMMISSION SIDE  
RECOGNIZED THAT SPECIAL PREFERENCES FOR LDC' S ARE TO THE DIS-  
ADVANTAGE OF DEVELOPED COUNTRIES BUT INSISTED THAT THIS IS IN-  
EVITABLE IF SUCH PREFERENCES ARE TO HELP THE LDC' S. THEY NOTED THAT  
IN SOME CASES THESE EXPORTS ARE A QUESTION OF LIFE AND DEATH TO  
SOME OF THE COUNTIES INVOLVED. US CITRUS EXPORTS TO THE  
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COMMUNITY WHICH REPRESENT LESS THAN ONE- HALF OF ONE  
PERCENT OF US PRODUCTION WERE CONTRASTED WITH THE CASE  
OF MOROCCO WHICH EXPORTS APPROXIMATELY 60 PERCENT OF ITS  
PRODUCTION TO THE COMMUNITY.

10. AMBASSADOR MALMGREN TOOK ISSUE WITH THE FOREGOING COMMISSION  
ARGUMENTS. HE NOTED THE NEED FOR THE COMMUNITY TO  
DIFFERENTIATE CAREFULLY IN ITS STATEMENTS JUSTIFYING  
THE SPECIAL ARRANGEMENTS WHICH IT HAS NEGOTIATED. HE  
NOTED THAT IN SOME CASES THE QUESTION OF " LIFE AND

DEATH" WAS INAPPROPRIATE. SUDAN, FOR EXAMPLE, WHICH WOULD APPARENTLY BE INCLUDED IN THE COMMUNITY SCHEME HAD AN INTEREST IN PRODUCTS NOTABLY COTTON, WHICH WERE ALMOST EXCLUSIVELY EXPORTED TO THE COMMUNITY ON A DUTY- FREE BASIS. HE ALSO INDICATED THAT THE INTEREST OF COMMUNITY PRODUCERS HAD BEEN PROTECTED BY EC REGULATIONS ON TOBACCO AND CITRUS, FOR EXAMPLE, THUS LETTING THE BURDEN OF ADJUSTMENT FALL N NON- EC SUPPLIERS. THE US DELEGATION SAID THAT THERE ARE FEW AGRICULTURAL PRODUCTS IN WHICH THE US DOES NOT COMPETE AGAINST THE LDC' S. WE CANNOT ACCEPT THE ARGUMENT THAT OUR PRODUCERS SHOULD YIELD THEIR EXPORT MARKETS TO BENEFIT THE LDC' S. THE COMMUNITY HAS MADE A POINT OF STRESSING THE DEPENDENCE OF CERTAIN LDC' S ON EC MARKETS BUT THIS IS NOT TRUE FOR ALL OF THEM, E. G., THE CARIBBEAN WHERE THE PRIMARY DEPENDENCE IS ON THE US MARKET. NOR CAN THE COMMUNITY SPEAK OF CLOSE GEOGRAPHIC LINKS WHEN THESE RELATE TO THE CARIBBEAN OR THE PACIFIC. WHILE AGREEING WITH THE EC DESIRE TO HELP THE DEVELOPING COUNTRIES, MALMGREN NOTED THAT THIS COULD BE DONE IN SEVERAL WAYS. THE EC HAS CHOSEN A MEANS THAT TIES THE ASSOCIATED LDC' S TO THE COMMUNITY COMMERCIALY. INEVITABLY, THESE ARRANGEMENTS WILL LEAD TO TALK OF NEO- COLONIALISM AND TO " SPERES OF INFLUENCE". CONTINUATION OF THE PRESENT COURSE COULD ONLY LEAD TO PROBLEMS WITH CONGRESS AND TO A CONFRONTATION BETWEEN THE US AND THE COMMUNITY.

11. MALMGREN SUGGESTED THAT A MORE POSITIVE AND PRAGMATIC APPROACH SHOULD BE SOUGHT. HE SUGGESTED THAT THE PREFERENCES ISSUE SHOULD BE SEEN IN THE LARGER LIMITED OFFICIAL USE

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CONTEXT OF US AND EC OVERALL RELATIONS WITH THE LDC' S. AND THIS WOULD BE AN APPROPRIATE TOPIC FOR THE CASEY- SOAMES DIALOGUE. HIJZEN AGREED, AND SAID THAT PERHAPS THE TIME HAD COME FOR A MORE DETAILED DISCUSSION OF OVERALL US- EC TRADE AND AID POLICY TOWARD DEVELOPING NATIONS. MALMGREN PARTICULARLY UNDERScoreD, AND THE COMMISSION DELEGATION AGREED, THE IMPORTANCE OF JOINT CONSIDERATION BY THE DEVELOPED COUNTRIES ON HOW TO HANDLE THE LDC' S DURING THE FORTHCOMING MULTI- LATERAL TRADE NEGOTIATIONS.

12. IN A PRIVATE SESSION WITH SENIOR COMMISSION OFFICIALS ( WELLENSTEIN, HIJZEN AND HANNEY) FOLLOWING THE PLENARY

MEETING THE US DELEGATION EMPHASIZED IT WAS POLITICALLY IMPOSSIBLE FOR THE US TO PAY FOR THE ELIMINATION OF DISCRIMINATION. BOTH WELLENSTEIN AND HIJZEN MADE CLEAR THAT THEY SEE SPECIAL PREFERENCES RATHER THAN REVERSE PREFERENCES AS THE MOST DIFFICULT PROBLEM BETWEEN THE EC AND THE US. THEY PRESSED THE POINT THAT THE ONLY WAY TO HELP THE LDC'S IS AT THE EXPENSE OF THE DC'S. THEY ACKNOWLEDGED THAT IF THERE IS SUBSTANCE TO THE US ARGUMENT THAT COMMUNITY PRODUCERS MAY NOT BE BEARING THE BURDEN OF THE EFFECTS OF SPECIAL PREFERENCES THEN THE COMMUNITY SYSTEM SHOULD BE IMPROVED.

13. WELLENSTEIN INSISTED THAT PROVIDED THE EC COUNCIL APPROVES IT, AND THE LDC'S AGREE, THE APPROACH IN THE EC COMMISSION MEMORANDUM CONSTITUTES A BASIS FOR SOLVING THE REVERSE PREFERENCES ISSUE. THE PROBLEM WOULD THEN BE ENTIRELY BETWEEN THE US AND THE LDC'S. THE POLITICAL PROBLEM IN US- EC RELATIONS WOULD BE BYPASSED. THE US SIDE DIFFERED WITH THIS JUDGMENT; BUT IT EXPRESSED INTEREST IN LEARNING MORE ABOUT THE EXTENT TO WHICH THE APPROACH ON FISCAL DUTIES OUTLINED DURING THE PLENARY SESSION OFFERED HOPE FOR A SATISFACTORY SOLUTION. ABOVE ALL IT WAS IMPORTANT THAT THE EC NOT URGE THE LDC'S TO BARGAIN WITH THE US FOR REMOVAL OR GENERALIZATION OF REVERSE PREFERENCES. THIS WAS TANTAMOUNT TO RE- ESTABLISHMENT OF THE " CONDITIONAL MFN" DOCTRINE, WHICH WOULD BE DANGEROUS IN THE CONTEXT OF TRADE POLICY AND OTHER DEVELOPED- DEVELOPING COUNTRY RELATIONS.

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14. BOTH SIDES WILL NOW STUDY THE POINTS BROUGHT OUT IN THE LATEST DISCUSSION. IN ADDITION THE US MIGHT PRESENT ADDITIONAL QUESTIONS TO THE COMMISSION REGARDING DETAILS OF ITS AGREEMENTS WITH THE LDC'S. GREENWALD

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**To:** ADDIS ABABA  
BONN  
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